APPLICANT ARGUMENTS OR REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of April 6, 2006 be extended two months, from July 6, 2006 to September 6, 2006.

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

Claims 1-38 are now in the application. Claims 1, 16 and 31 are amended. Claims 1, 16 and 31 are independent claims.

Claim Rejection Under 35 U.S.C. 112.

The Office Action rejects claims 1-38 under 35 U.S.C. 112, second paragraph. In particular, the Office Action rejects the phrase "said first network server" in claims 1 and 31, lines 5 as not clearly indicating whether it refers to "at least one network server" in line 2.

The Office Action also rejects the phrase "a database local" as not indicating if the database is in the "database server" or in the "network server".

The claims have been amended to specify which servers are being referenced and to clarify the location of the database. Applicants submit that by these amendments, claims 1-38 are now in compliance with 35 USC 112, second paragraph. Applicants, therefore, request that this rejection be reconsidered and withdrawn and claims 1-38 be allowed.

Claim Rejection under 35 U.S.C. 103(a)

The Office Action rejects claims 1-11, 13-25, 27-34 and 36-38 under 35 U.S.C. ʻ103(a) as obvious over Chang et al. (U.S. Patent 6,715,082) in view of Applicant admitted prior art (AAPA).

The Office Action rejects 12, 26 and 35 under 35 U.S.C. 103(a) as obvious over Chang in view of Applicant admitted prior art (AAPA) and further in view of Cidon (U.S. Patent 6,269,330).

The Office Action states that Chang and AAPA do not explicitly teach that determining a volume of network traffic involving said server system and wherein said particular time is a function of said network traffic.

The Office Action asserts that Cidon, however, does teach determining a volume of network traffic involving said server system, and wherein said particular time is a function of said network traffic.

Applicants have amended the independent claims to recite limitations equivalent to:

performing an invalidation procedure on said copies of said session data in said database when a load on said at least one database server is below a threshold and at a particular time that is independent of when said contemporaneous testing is performed, wherein said invalidation procedure comprises setting a one-bit flag to indicate that said session data is invalid.

Support for this amendment to the claims can be found, for example, at page 13, line 19 through page 14, line 7 of the application as filed. As neither Chang, Cidon or AAPA, separately or combined, teach determining a load on a specific server, i.e., the database server, and performing an invalidation procedure that involves setting a one bit flag of the session data only if the load is below a threshold, they do not render applicants' claimed invention obvious. Applicants, therefore, request that this rejection be reconsidered and withdrawn and independent claims 1, 16 and 31 be allowed.

Dependent claims 2-15, 17-30 and 32-38 each depend from, and include all the limitations of, a now allowable independent claim. Applicant therefore requests that these claims be allowed as well.

Conclusion

In view of the foregoing amendments and remarks, applicants respectfully request entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1-38 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

Gabriel G. Montero, et al.

Date:_September 6, 2006_____   By   /Mark D. Simpson/_____
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